



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,231	10/17/2001	Steve Anderson Platt	PLA13 P-300	5580
277	7590	08/17/2005	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP			WAKS, JOSEPH	
695 KENMOOR, S.E.			ART UNIT	
P O BOX 2567			PAPER NUMBER	
GRAND RAPIDS, MI 49501			2834	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/981,231  
Filing Date: October 17, 2001  
Appellant(s): PLATT, STEVE ANDERSON

**MAILED**

AUG 17 2005

**GROUP 2800**

Price Heneveld Cooper Devitt & Litton, LLP

For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed June 3, 2005.

appealing from the Office action mailed October 13, 2004

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 1-8, 11-14, 20-23, 29-37, 46-49, 58-70 and 73 are allowed.

This appeal involves claims 9, 10, 15-19, 24-28, 39, 41-45, 50-57, 71, 72 and 74.

Claims 1-8, 11-14, 20-23, 29-37, 40, 46-49, 58-71 and 73 are allowed.

Claim 38 has been canceled.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on January 5, 2005 has been entered.

The amendment after final rejection filed on April 4, 2005 has not been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

## **WITHDRAWN REJECTIONS**

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. Rejection of claim 40 was withdrawn.

### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

### **(8) Evidence Relied Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

4,311,434	Abe	01-1982
6,239,507	Douthit	05-2001
4,374,631	Barnes	02-1983
4,110,631	Salter	08-1978
5,244,346	Fergusson	09-1993
6278198	Willis et al.	08-2001

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. **Claims 9, 10, 15, 17-19, 24, 26, and 71** are rejected under 35 U.S.C. 102(b) as being anticipated by **Abe (US 4,311,434)**.

Art Unit: 2834

**Abe** discloses invention as claimed: a tower 1, a vertical elevator including track 1a, a carriage 6, 12, a pivot ring in a form of a roller bearing 17, a winch 13, a cable 14 and a pulley (Re Figure 3), a plurality of air foils 5, and a wind power electric power generator (Re column 1, lines 5-10) wherein the wind powered generator can be removably placed within the carriage after the tower has been erected and lifted vertically with the carriage to position the wind powered generator at a top of the tower, and wherein the wind powered generator can be removed from within the carriage after the carriage has been lowered (Re column 2, lines 21-30).

Re claims 10 and 19, **Abe** discloses the track including a first side guide having a first vertical strip 1a and a second side guide having a second vertical strip 1a and the carriage including a first side groove configured to accept the first vertical strip and a second side groove configured to accept the second vertical strip.

2. **Claims 18, 19** are also rejected under 35 U.S.C. 102(e) as being anticipated by **Willis et al. (US 6,278,198)**.

**Willis et al.** disclose a wind powered electrical generation system including a tower 12 with a vertical elevator, the vertical elevator having a track 26 and a carriage 32 configured to move along the track; and a wind powered generator 26 configured to be connected to the carriage, the wind powered generator including a plurality of airfoils and an electric generator (Re column 3, lines 60-65), wherein the wind powered generator can be removably placed within the carriage after the tower has been erected and lifted vertically with the carriage to position the wind powered generator at a top of

Art Unit: 2834

the tower, and wherein the wind powered generator can be removed from within the carriage after the carriage has been lowered.

3. **Claims 16**, and **25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe (US 4,311,434)** in view of **Douthit (US 6,239,507)**.

**Abe** discloses the tower essentially as claimed. However, **Abe** does not disclose the carriage including the plurality of contacts contacting the rotating portion of the wind power generator.

**Douthit** discloses a carriage 16 rotatably supporting a wind powered generator 10 and having a plurality of contacts 130, 132 contacting the rotating portion of the generator 140, 142 for the purpose of transferring the current from the generator to an external storage or transmission means while allowing unlimited and free rotation of the generation above a vertical axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the tower as taught by **Abe** and to provide the carriage including the plurality of contacts contacting the rotating portion of the wind power generator as taught by **Douthit** for the purpose of transferring the current from the generator to an external storage or transmission means while allowing unlimited and free rotation of the generation above a vertical axis.

4. **Claims 27** and **28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe (US 4,311,434)** in view of **Barnes (US 4,374,631)**.

**Abe** discloses the tower essentially as claimed. However, **Abe** does not disclose a rod rotating within a housing and at least two spars connected to, and radially extending from the rod and each having an airfoil connected thereon.

**Barnes** discloses the wind powered generator (Re column 3, lines 25-27) having a rotating rod (Re column 3, lines 23 and 24), spars 6 connected to, and radially extending from the rod each having an airfoil 5 connected thereon, wherein the airfoils are configured to pivot about the spars and to slide longitudinally along the spars, the airfoils are biased towards a first end of the spars connected to the rod, each spar includes a cam member 10 adjacent a second end of the spar opposite to the rod, each airfoil includes a cam surface 9 configured to engage the cam member on the spar, the cam member and the cam surface are configured to engage to thereby rotate the airfoils relative to the spars as the airfoils move along the spars towards the second end of the spars, for the purpose of providing a speed limiting system to assure reliable operation during adverse weather conditions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the tower as taught by **Abe** and to provide the rotating rod and the spars connected to, and radially extending from the rod, each having an airfoil connected thereon, wherein the airfoils are configured to pivot about the spars and to slide longitudinally along the spars, the airfoils are biased towards a first end of the spars connected to the rod, each spar includes a cam member adjacent a second end of the spar opposite to the rod, each airfoil includes a cam surface configured to engage the cam member on the spar, the cam member and the cam surface are

Art Unit: 2834

configured to engage to thereby rotate the airfoils relative to the spars as the airfoils move along the spars towards the second end of the spars as disclosed by **Barnes**, for the purpose of providing a speed limiting system to assure reliable operation during adverse weather conditions.

5. **Claims 39, 41-45, 50, 52, and 54-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Salter (US 4,110,631)** in view of **Abe (US 4,311,434)**.

**Salter** discloses wind powered generator comprising a rod 18 configured to rotate within a housing 33, 24, at least six spars 21 connected to the rod and extending radially therefrom, an airfoil 22 connected to each of the spars at a location distal the rod wherein the spars and the rod rotate as wind passes the airfoils, thereby powering the generator. However, **Salter** does not disclose the housing and the generator located upwind of the spars and interconnected to the rod.

**Abe** discloses the well known in the art wind turbine generator system having a housing 2 located upwind the blades 5 (Re column 4, lines 1-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the wind powered generator as taught by **Salter** and to provide the well known in the art configuration with the generator housing located upwind the rotor as taught by **Abe** for the purpose of improving the generator cooling, since applicant did not disclose that such configuration solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with upwind or downwind configuration.



Art Unit: 2834

6. **Claim 51** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Salter (US 4,110,631)** in view of **Abe (US 4,311,434)** as applied to claim 44 above and further in view of **Douthit (US 6,239,507)**.

The combined system discloses the tower essentially as claimed. However, it does not disclose the carriage including the plurality of contacts contacting the rotating portion of the wind power generator.

**Douthit** discloses a carriage 16 rotatably supporting a wind powered generator 10 and having a plurality of contacts 130, 132 contacting the rotating portion of the generator 140, 142 for the purpose of transferring the current from the generator to an external storage or transmission means while allowing unlimited and free rotation of the generation above a vertical axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined tower and to provide the carriage including the plurality of contacts contacting the rotating portion of the wind power generator as taught by **Douthit**, for the purpose of transferring the current from the generator to an external storage or transmission means while allowing unlimited and free rotation of the generation above a vertical axis.

7. **Claim 53** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Salter (US 4,110,631)** in view of **Abe (US 4,311,434)** as applied to claim 44 above and further in view of **Barnes (US 4,374,631)**.

The combination discloses the tower essentially as claimed. However, it does not disclose a rod rotating within a housing and at least two spars connected to, and radially extending from the rod and each having an airfoil connected thereon.

**Barnes** discloses the wind powered generator (Re column 3, lines 25-27) having a rotating rod (Re column 3, lines 23 and 24), spars 6 connected to, and radially extending from the rod each having an airfoil 5 connected thereon, wherein the airfoils are configured to pivot about the spars and to slide longitudinally along the spars, the airfoils are biased towards a first end of the spars connected to the rod, each spar includes a cam member 10 adjacent a second end of the spar opposite to the rod; each airfoil includes a cam surface 9 configured to engage the cam member on the spar, the cam member and the cam surface are configured to engage to thereby rotate the airfoils relative to the spars as the airfoils move along the spars towards the second end of the spars, for the purpose of providing a speed limiting system to assure reliable operation during adverse weather conditions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined tower and to provide the rotating rod and the spars connected to, and radially extending from the rod, each having an airfoil connected thereon rotating rod and the spars connected to, and radially extending from the rod, each having an airfoil connected thereon, wherein the airfoils are configured to pivot about the spars and to slide longitudinally along the spars, the airfoils are biased towards a first end of the spars connected to the rod, each spar includes a cam member adjacent a second end of the spar opposite to the rod, each airfoil includes a cam

Art Unit: 2834

surface configured to engage the cam member on the spar, the cam member and the cam surface are configured to engage to thereby rotate the airfoils relative to the spars as the airfoils move along the spars towards the second end of the spars as disclosed by **Barnes**, for the purpose of providing a speed limiting system to assure reliable operation during adverse weather conditions.

8. **Claim 57** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe** (US 4,311,434) in view of **Fergusson** (US 5,244,346).

**Abe** discloses a tower 1 having three vertical columns connected with braces, a fully assembled elevator to raise and lower a wind powered generator 2, 4, 5. However, **Abe** does not disclose the tower comprising removably connected lower and upper tower sections.

**Fergusson** discloses in Figures 6 and 7 a portable wind machine having a portable tower comprising a lower tower section 223 and an upper tower section 225 for the purpose of providing a self containing system that is easy to transport and to install at site without the need of providing an additional crane or other hauling means.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the tower as taught by **Abe** and to provide the tower comprising the lower tower section and the upper tower section as taught by **Fergusson** for the purpose of providing a self containing system that is easy to transport and to install at site without the need of providing an additional crane or other hauling means.

Art Unit: 2834

9. **Claims 72 and 74** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe (US 4,311,434)** in view of **Barnes (US 4,374,631)**.

**Abe** discloses the tower essentially as claimed. However, **Abe** does not disclose a rod rotating within a housing and at least two spars connected to, and radially extending from the rod and each having an airfoil connected thereon.

**Barnes** discloses the wind powered generator (Re column 3, lines 25-27) having a rotating rod (Re column 3, lines 23 and 24), spars 6 connected to, and radially extending from the rod each having an airfoil 5 connected thereon, wherein the airfoils are configured to pivot about the spars and to slide longitudinally along the spars, the airfoils are biased towards a first end of the spars connected to the rod, each spar includes a cam member 10 adjacent a second end of the spar opposite to the rod, each airfoil includes a cam surface 9 configured to engage the cam member on the spar, the cam member and the cam surface are configured to engage to thereby rotate the airfoils relative to the spars as the airfoils move along the spars towards the second end of the spars, for the purpose of providing a speed limiting system to assure reliable operation during adverse weather conditions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the tower as taught by **Abe** and to provide the rotating rod and the spars connected to, and radially extending from the rod, each having an airfoil connected thereon, wherein the airfoils are configured to pivot about the spars and to slide longitudinally along the spars, the airfoils are biased towards a first end of the spars connected to the rod, each spar includes a cam member adjacent a second

Art Unit: 2834

end of the spar opposite to the rod, each airfoil includes a cam surface configured to engage the cam member on the spar, the cam member and the cam surface are configured to engage to thereby rotate the airfoils relative to the spars as the airfoils move along the spars towards the second end of the spars as disclosed by **Barnes**, for the purpose of providing a speed limiting system to assure reliable operation during adverse weather conditions.

**(10) Response to Argument**

**Regarding claims 9,10, 15, 17-19, 24, 26, 57 and 71 (in view of Abe).**

Abe (US 4,311,434) shows in Figure 4 the carriage including the support 6 and the mount 12 that comprises the pivot ring 17.

Re claims 9, 15 and 17.

Re claim 9, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., carriage comprising non-separable parts or elements, or the shaft not being a part of a carriage) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's allegation that the Abe only discloses two spaced apart bearings 17 is respectfully traversed by examiner since Abe discloses in column 3, lines 26-27 "a thrust bearing 17" i.e. one bearing. Abe further describes in column 3 lines 36-47 the support 6 rotating relatively to the base 9 above the pivot 10 on the thrust bearing 17.

Art Unit: 2834

One of ordinary skills in the art would easily recognize that Figure 2 shows the cross section of one single bearing 17 as indicated by the hatched lines. Such bearing viewed from the top would clearly show circular racers encompassing the bearing balls or rollers. In view of the above bearing 17 meets the limitation of the pivot ring as claimed.

Re claims 15 and 17, the claims that depend from rejected independent claim 9 remain rejected.

Re claim 10, applicant's argument regarding the carriage 12 missing the grooves, examiner directs applicant's attention to Figure 3 where Abe shows the carriage 12 having protrusions (not numbered), slidably surrounding guides or strips 1a. Such a structure inherently includes grooves in order to accept the strips. Moreover, The 1984 issue of Webster's II New Riverside University defines the "groove" as a "channel" that is further defined as a "tubular passage". Based on the dictionary, the protrusions slidably surrounding vertical strips meet the definition of groove. Moreover, these protrusions serve exactly the same function as the applicant's disclosed grooves i.e. they enable the vertical movement of the carriage on the strips.

Re claims 18, 26 and 71.

Re claim 18, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the removal of the generator without disassembling the carriage structure or any part of it) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read

Art Unit: 2834

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The operation of removing the generator from carriage with the base 9, or separating the generator from the carriage all together, like by removing the shaft 8 is not conflicting the claim limitation that only recites that “the wind powered generator can be removed from within the carriage after the carriage has been lowered”.

In column 2, lines 21-30 Abe discloses that the nacelle may be replaced after being moved down to the tower bottom and in column 1, line 11 Abe disclose the use of an electrical generator in the system. Therefore, replacing the nacelle inherently involves replacing of the generator enclosed in the nacelle.

Abe neither disclose nor suggests destruction of any parts of the tower or generator (as alleged by applicant) to implement such replacement. However, even the removal would involve such destruction (dictated by need of reusing the tower with new equipment replacing damaged or obsolete equipment, for example) such removal would still meet the limitation cited above.

Re claims 26 and 71, the claims depend on rejected independent claim 18 and remain rejected.

Re claim 19.

Claim 19 that depend on rejected independent claim 18 and discloses subject matter already disclosed by both, Abe and Willis et al. remains rejected.

Re Claim 24, since the claim discloses subject matter already disclosed by Abe, and since it depends on rejected claim 18, the rejection is still appropriate.

Re claims 27 and 57 (in view of Abe).

Applicant's arguments are moot since 102 rejection of claim 27 or 57 was not made or suggested by examiner.

**Regarding claims 18 and 19 (in view of Willis et al.).**

Re claim 18, examiner directs applicant's attention to Figure 7 that clearly shows the generator 16 being removed from carriage 32 after being lowered to the bottom of the tower 12. Since the generator can be removed from the carriage, obviously it is removable placed within the carriage.

Re claim 19, since the claim discloses subject matter already disclosed by Willis et al. and since it depends on rejected independent claim 18, the rejection is still appropriate. Regarding grooves and tracks examiner directs applicant's attention to Fig. 22 where Willis shows carriage 32 having grooves 44 and 46 sliding on vertical strips 28 and 30, respectively.

**Regarding claims 16 and 25 (Abe in view of Douthit).**

The combined structure includes the plurality of contacts indicated by Douthit as wipers 130 and 132.

Re claim 16. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).



In this particular case **Abe** teaches invention essentially as claimed with exception to the carriage including the plurality of contacts contacting the rotating portion of the wind power generator.

**Douthit** teaches the method of transferring the current from the generator to an external storage or transmission means while allowing unlimited and free rotation of the generation above a vertical axis utilizing the well known in the art rotary connector structures.

In combination **Abe** and **Douthit** teach the invention as claimed. The detailed design of such system is a design choice that requires only routine skills in the art.

Regarding possibility of rising and lowering the nacelle furnished with a rotary connector, examiner submits that one of ordinary skill in the art would be able to design the wiring connecting the stationary ring with the outside supply after installing the nacelle on the top of the tower or to disconnect the wiring from nacelle before lowering it down. The motivation for including the rotary connector disclosed by **Douthit** is provided by examiner in the rejection above and its function and purpose will be obvious to one of ordinary skill in the art. Moreover, the use of cables and electrical connectors to carry the power generated within the nacelle down the tower and away to its destination is inherent to the wind turbine systems designed for generation of electric power.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

Art Unit: 2834

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Re claim 25, since the claim defines subject matter already disclosed by **Abe** in view of **Douthit** and since it depends on rejected claim 18, the rejection is still appropriate.

**Regarding claims 27 and 28 (Abe in view of Barnes).**

Since the claims define subject matter already disclosed by **Abe** in view of **Barnes**, and since they depend on rejected claim 18, the rejection is still appropriate.

**Regarding claims 39, 41-45, 50, 52, and 54-56 (Salter in view of Abe).**

Re claims 39 and 43. All the features except the upwind location of the generator are addressed in the rejection of claims 39, 41-45, 50, 52, and 54-56 and show by **Salter** in Figures 1-3. **Abe** discloses the upwind and downwind location of the generator. Applicant's arguments regarding these features fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's argument regarding the placing a generator upwind the rotor causing reduction of performance of the impeller blades is not supported by the specification and there is no evidence in the specification about any particular benefit or improvement derived from the upwind or downwind location and it seems that this particular feature is

Art Unit: 2834

a design choice. Examiner respectfully traverses applicant's arguments regarding modification of **Salter** in view of **Abe** as being detrimental to **Salter** system performance.

Examiner directs applicant's attention to Figures 1 and 3. One of ordinary skills in the art would recognize that the upstream or downstream location of the generator 16 has no impact on and does not provide any obstacle to the wind flow through the blades 19 and the generator that is driven by the drum 15 via shaft 17 may be operated exactly the same way at the upstream or downstream location. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Moreover, **Abe** teaches the system that can be selectively oriented upwind or downwind by the operator by turning the generator and impeller together and orienting the system toward desirable orientation with the wind.

Regarding the motivation, examiner apologizes for the inadvertent typographic error where instead of the word –improving-- the word “approving” was typed. Examiner believes that intent of the motivation, while obscured by the typographic error could be still understood and if necessary clarified by phone.

Regarding the features allegedly missing in the prior art examiner directs applicant's attention to Figures 1-3 and 11 where Salter discloses the housing 33, 36, the rod 24 configured to rotate within the housing and the six spars 21 connected to the rod and extending radially therefrom, the airfoil 22 connected to each of the spars at a location distal the rod and the generator 16.

Applicant's arguments regarding the placing a generator upwind the rotor is addressed above.

Re claim 43, since the claim defines subject matter already disclosed by Salter in view of Abe and since it depends on rejected claim 39, the rejection is still appropriate.

Re claim 41, since the claim defines subject matter already disclosed by Salter in view of Abe and since it depends on rejected claim 39, the rejection is still appropriate.

Salter shows in Figure 3 the generator 16 connected to the housing 33, 36

Re claim 42. Salter discloses in Figure 1 the vertical leg 36 as claimed. The claim also depends on rejected claim 39 and the rejection is still appropriate.

Salter shows in Figure 3 the generator 16 connected to the housing 33, 36 by a vertical leg 41.

Re claim 44. Re arguments for claim 39 above.

Re claims 45, 50, and 52. Abe discloses guides and carriage as claimed. It would have been obvious to one of ordinary skills in the art to provide the guides and the carriage as disclosed by Abe for the purpose of elevating the turbine on the top of the tower. Since the claims depend on rejected claim 44 the rejection is appropriate.

Re claims 54-56.

Re arguments for claim 39 above.

**Regarding claim 51.**

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

Art Unit: 2834

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

**Regarding claim 53.**

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As clearly stated in the final Office action the claim was rejected under 35 U.S.C. 103(a) as being unpatentable over **Salter** (US 4,110,631) in view of **Abe** (US 4,311,434) as applied to claim 44 above and further in view of **Barnes** (US 4,374,631).

Applicant's neglect the elements introduce by **Salter**. The features allegedly missing in the prior art are provided in the three references cited by examiner and the motivation for combining the teaching of the references is also provided in the final Office action.

**Regarding claim 57.**

The motivation for combining **Abe** with **Fergusson** is clearly stated in the final Office action as "for the purpose of providing a self containing system that is easy to transport and to install at site without the need of providing an additional crane or other hauling means." The typographic error does not obscure the fact that the 103 rejection addresses the combination of **Abe** in view of **Fergusson**.

**Regarding claims 72 and 74.**

The 103, rejection of claims 72 and 74 over **Abe** in view of **Barnes** including the motivation of combining the references is provided in the final Office action.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., biasing the whole and not the part of the airfoil blade or the force from the wind to be applied over an entire length of spars lessens as airfoils pivot) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Joseph Waks  
Primary Examiner  
Art Unit 2834



Conferees:

Drew Dunn  
Darren Schuberg  
Joseph Waks

